



MINUTES

HOUSE JUDICIARY STANDING COMMITTEE

LEGISLATURE

Monday, February 25, 2019 | 4:00 p.m. | 20 House Building

Members Present:

Rep. Karianne Lisonbee, Chair
Rep. Craig Hall, Vice Chair
Rep. Cheryl K. Acton
Rep. Brady Brammer
Rep. Jon Hawkins
Rep. Eric K. Hutchings
Rep. Brian S. King

Rep. Stephanie Pitcher
Rep. Travis M. Seegmiller
Rep. V. Lowry Snow
Rep. Steve Waldrip
Rep. Mark A. Wheatley

Staff Present:

Mr. Steve Benard, Session Secretary
Mr. Joseph T. Wade, Policy Analyst

Note: A copy of related materials and an audio recording of the meeting can be found at www.le.utah.gov.

Vice Chair Hall called the meeting to order at 4:11 p.m.

1 . H.B. 314 Trust Provisions Amendments (Miles, K.)

Rep. Kelly B. Miles explained the bill.

MOTION: Rep. Waldrip moved to report a favorable recommendation on H.B. 314. The motion passed with a vote of 7 - 0 - 5.

Yeas-7

Rep. C. Acton
Rep. C. Hall
Rep. J. Hawkins
Rep. K. Lisonbee
Rep. T. Seegmiller
Rep. S. Waldrip
Rep. M. Wheatley

Nays-0

Absent-5

Rep. B. Brammer
Rep. E. Hutchings
Rep. B. King
Rep. S. Pitcher
Rep. V. Snow

2 . H.B. 234 Marriage Amendments (Romero, A.)

Rep. Angela Romero explained the bill with the assistance of Mr. Stewart Ralphs, Legal Aid Society of Salt Lake.

Ms. Heidi Clark spoke in favor of the bill.

Ms. Nicholein Peck, Worldwide Organization for Women, spoke against the bill.

Ms. LuAnn Cooper spoke in favor of the bill.

Ms. Angela Kelly spoke in favor of the bill.

Ms. Melissa Ellis spoke in favor of the bill.

Mr. Scott Howell spoke in favor of the bill.

MOTION: Rep. Waldrip moved to replace H.B. 234 with 1st Substitute H.B. 234. The motion passed with a vote of 9 - 0 - 3.

Yeas-9

Rep. C. Acton
Rep. J. Hawkins
Rep. E. Hutchings
Rep. B. King
Rep. K. Lisonbee
Rep. S. Pitcher
Rep. T. Seegmiller
Rep. S. Waldrip
Rep. M. Wheatley

Nays-0

Absent-3

Rep. B. Brammer
Rep. C. Hall
Rep. V. Snow

MOTION: Rep. Waldrip moved to report a favorable recommendation on 1st Substitute H.B. 234. The motion passed with a vote of 9 - 0 - 3.

Yeas-9

Rep. C. Acton
Rep. J. Hawkins
Rep. E. Hutchings
Rep. B. King
Rep. K. Lisonbee
Rep. S. Pitcher
Rep. T. Seegmiller
Rep. S. Waldrip
Rep. M. Wheatley

Nays-0

Absent-3

Rep. B. Brammer
Rep. C. Hall
Rep. V. Snow

3 . H.B. 311 Governmental Immunity Revisions (McKell, M.)

Rep. Michael McKell explained the bill with the assistance of Steve Sullivan, attorney.

Mr. Cameron Diehl, Director of Utah League of Cities and Towns, spoke in favor of the bill.

MOTION: Rep. Hutchings moved to replace H.B. 311 with 1st Substitute H.B. 311. The motion passed with a vote of 9 - 0 - 3.

Yeas-9

Rep. C. Acton
Rep. J. Hawkins
Rep. E. Hutchings
Rep. B. King
Rep. K. Lisonbee
Rep. S. Pitcher
Rep. T. Seegmiller
Rep. S. Waldrip
Rep. M. Wheatley

Nays-0

Absent-3

Rep. B. Brammer
Rep. C. Hall
Rep. V. Snow

MOTION: Rep. King moved to report a favorable recommendation on 1st Substitute H.B. 311. The motion passed with a vote of 9 - 0 - 3.

Yeas-9

Rep. C. Acton
Rep. J. Hawkins
Rep. E. Hutchings
Rep. B. King
Rep. K. Lisonbee
Rep. S. Pitcher
Rep. T. Seegmiller
Rep. S. Waldrip
Rep. M. Wheatley

Nays-0

Absent-3

Rep. B. Brammer
Rep. C. Hall
Rep. V. Snow

4 . H.B. 158 Higher Education Student Speech Rights (Coleman, K.)

Rep. Kim Coleman explained the bill.

Mr. Eric Little spoke in favor of the bill.

Mr. Geoff Landward, General Counsel for the Utah State Board of Regents of the Utah System of Higher Education, spoke against the bill.

Mr. Shane Brock, Vice President of a free speech organization on campus at the University of Utah, spoke in favor of the bill.

Mr. Brian Nelson, State Risk Manager, spoke against the bill.

MOTION: Rep. Lisonbee moved to replace H.B. 158 with 1st Substitute H.B. 158. The motion passed with a vote of 11 - 0 - 1.

Yeas-11

Rep. C. Acton
Rep. B. Brammer
Rep. C. Hall
Rep. J. Hawkins
Rep. E. Hutchings
Rep. B. King
Rep. K. Lisonbee
Rep. S. Pitcher
Rep. T. Seegmiller
Rep. S. Waldrip
Rep. M. Wheatley

Nays-0

Absent-1

Rep. V. Snow

MOTION: Rep. Seegmiller moved to report a favorable recommendation on 1st Substitute H.B. 158. The motion passed with a vote of 7 - 4 - 1.

Yeas-7

Rep. C. Acton
Rep. B. Brammer
Rep. J. Hawkins
Rep. E. Hutchings
Rep. K. Lisonbee
Rep. T. Seegmiller
Rep. S. Waldrip

Nays-4

Rep. C. Hall
Rep. B. King
Rep. S. Pitcher
Rep. M. Wheatley

Absent-1

Rep. V. Snow

5 . H.B. 318 Inmate Restrictions Standards Amendments (Pitcher, S.)

Rep. Stephanie Pitcher explained the bill with the assistance of Dr. Jennifer Kaiser, OB-GYN.

Ms. Marina Lowe, ACLU of Utah, spoke in favor of the bill.

Sheriff Chad Jensen, Cache County Sheriff's Office, spoke in favor of the bill.

Mr. Ben Aldana spoke in favor of the bill.

MOTION: Rep. Wheatley moved to amend H.B. 318 with Amendment #1. The motion passed with a vote of 11 - 0 - 1.

Amendment 1
H.B. 318

1. Page 4, Lines 106 through 108:

106 (3) Notwithstanding Subsection (1) or (2), under no circumstances may shackles, leg restraints, or
107 waist restraints be used on an inmate during labor and childbirth, or postpartum recovery while in
108 a medical facility{~~or transport to or from a medical facility for childbirth~~}.

2. Page 5, Line 123:

123 (c) may not be considered a medical record under state or federal law.

(7) As used in this section:

(a) "Postpartum recovery" means, as determined by her physician, the period immediately following delivery, including the entire period a woman is in the hospital or medical facility after birth.

(b) "Restraints" means any physical restraint or mechanical device used to control the movement of an inmate's body or limbs, including flex cuffs, soft restraints, shackles, or a convex shield.

(c) "Shackles" means metal or iron restraints and includes hard metal handcuffs, leg irons, belly chains, or a security or tether chain.

Yeas-11

- Rep. C. Acton
- Rep. B. Brammer
- Rep. C. Hall
- Rep. J. Hawkins
- Rep. E. Hutchings
- Rep. B. King
- Rep. K. Lisonbee
- Rep. S. Pitcher
- Rep. V. Snow
- Rep. S. Waldrip
- Rep. M. Wheatley

Nays-0

Absent-1

- Rep. T. Seegmiller

MOTION: Rep. Hutchings moved to report a favorable recommendation on H.B. 318, as amended. The motion passed with a vote of 11 - 0 - 1.

Yeas-11

- Rep. C. Acton
- Rep. B. Brammer
- Rep. C. Hall
- Rep. J. Hawkins
- Rep. E. Hutchings
- Rep. B. King
- Rep. K. Lisonbee
- Rep. S. Pitcher
- Rep. V. Snow
- Rep. S. Waldrip
- Rep. M. Wheatley

Nays-0

Absent-1

- Rep. T. Seegmiller

6 . H.B. 330 Juvenile Justice Competency Revisions (Hawkins, J.)

Rep. Jon Hawkins explained the bill with the assistance of Amanda Alcama, Department of Human Services.

Mr. William Carlson, Salt Lake County District Attorney's Office, spoke in favor of the bill.

Ms. Pamela Vickrey, Executive Director of Utah Juvenile Defender Attorneys, spoke in favor of the bill.

MOTION: Rep. Waldrip moved to replace H.B. 330 with 1st Substitute H.B. 330. The motion passed with a vote of 11 - 0 - 1.

Yeas-11

Nays-0

Absent-1

- Rep. C. Acton
- Rep. B. Brammer
- Rep. C. Hall
- Rep. J. Hawkins
- Rep. E. Hutchings
- Rep. B. King
- Rep. K. Lisonbee
- Rep. S. Pitcher
- Rep. V. Snow
- Rep. S. Waldrip
- Rep. M. Wheatley

Rep. T. Seegmiller

MOTION: Rep. Waldrip moved to amend 1st Substitute H.B. 330 with Amendment #1. The motion passed with a vote of 11 - 0 - 1.

Amendment 1
1st Sub. H.B. 330

1. Page 27, Lines 830 through 831:

830 (6) (a) The minor's parents or guardian, the prosecutor, defense attorney, and guardian ad
831 litem, shall cooperate, by executing releases of information when necessary, in providing the

2. Page 28, Lines 856 through 859:

856 ~~{(a)}~~ (i) medical records;
857 ~~{(b)}~~ (ii) prior mental evaluations; or
858 ~~{(c)}~~ (iii) records of diagnosis or treatment of substance abuse disorders.

(b) The minor shall cooperate, by executing a release of information when necessary, in providing the relevant information and materials to the forensic evaluator regarding records of diagnosis or treatment of a substance abuse disorder.

859 (7) (a) In conducting the evaluation and in the report determining if a minor is

Yeas-11

Nays-0

Absent-1

- Rep. C. Acton
- Rep. B. Brammer
- Rep. C. Hall
- Rep. J. Hawkins
- Rep. E. Hutchings
- Rep. B. King
- Rep. K. Lisonbee
- Rep. S. Pitcher
- Rep. V. Snow
- Rep. S. Waldrip
- Rep. M. Wheatley

Rep. T. Seegmiller

MOTION: Rep. Snow moved to report a favorable recommendation on 1st Substitute H.B. 330, as amended. The motion passed with a vote of 11 - 0 - 1.

Yeas-11

Rep. C. Acton
Rep. B. Brammer
Rep. C. Hall
Rep. J. Hawkins
Rep. E. Hutchings
Rep. B. King
Rep. K. Lisonbee
Rep. S. Pitcher
Rep. V. Snow
Rep. S. Waldrip
Rep. M. Wheatley

Nays-0

Absent-1

Rep. T. Seegmiller

MOTION: Rep. Lisonbee moved to approve the minutes of the February 20 and February 22, 2019, meetings. The motion passed with a vote of 11 - 0 - 1.

Yeas-11

Rep. C. Acton
Rep. B. Brammer
Rep. C. Hall
Rep. J. Hawkins
Rep. E. Hutchings
Rep. B. King
Rep. K. Lisonbee
Rep. S. Pitcher
Rep. V. Snow
Rep. S. Waldrip
Rep. M. Wheatley

Nays-0

Absent-1

Rep. T. Seegmiller

MOTION: Rep. Brammer moved to adjourn. The motion passed with a vote of 11 - 0 - 1.

Yeas-11

Rep. C. Acton
Rep. B. Brammer
Rep. C. Hall
Rep. J. Hawkins
Rep. E. Hutchings
Rep. B. King
Rep. K. Lisonbee
Rep. S. Pitcher
Rep. V. Snow
Rep. S. Waldrip
Rep. M. Wheatley

Nays-0

Absent-1

Rep. T. Seegmiller

Vice Chair Hall adjourned the meeting at 6:38 p.m.